



Austin City Council MINUTES

For JANUARY 26, 1989 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

Memorandum To:

Mayor Cooke called to order the meeting of the Council, noting the absence of Councilmembers Urdy, Carl-Mitchell, and Humphrey, who he said would enter the Council Chamber momentarily.

MINUTES APPROVED

The Council, on Councilmember Nofziger's motion, Councilmember Barnstone's second, approved minutes for regular meetings of January 10 and 19, 1989 and special meetings of January 10 and 13, 1989 and January 17 at 10:00 a.m. and 11:00 a.m. 1989. (4-0 Vote, Councilmembers Urdy, Carl-Mitchell and Humphrey absent)

CITIZEN COMMUNICATIONS

Mrs. Mary Ann Magee was not present. Ms. Pauline Gamble, Mr. Rory Derrick, Mr. Mark Weaver and Mr. Lee Cramer discussed AIDS in Travis County. Mr. Daniel Llanes discussed citizen participation in government and city staff. Ms. Sylvia Orozco discussed cultural facility policy. Mr. Rick McCulley discussed progress on airport project to date. Mr. Carl Daywood talked about transient problems on East 6th Street, Mr. Roy Mann talked about Congress Avenue Bridge.

LANDMARK COMMISSION REPORT

Mr. Rick Meyer showed a video presentation prepared by the Historic Landmark Commission.

EMMETT SHELTON BRIDGE

The Council, on Councilmember Barnstone's motion, Councilmember Humphrey's second, adopted a resolution approving the naming of the low water bridge on Redbud Trail below the Tom Miller Dam the "Emmett Shelton Bridge." (7-0 Vote)

OLD BUSINESS - ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, passed through second/third readings of ordinances amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes: (7-0 Vote)

Financial Plan Amendment

Amended the 1988-89 Financial Plan to:

- a. Amend the Operating Budget of the Electric Utility Department by:
 - (1) Decreasing base revenues by \$10,069,396.00
 - (2) Decreasing fuel revenue by \$4,000,000.00
 - (3) Decreasing department O&M by \$1,120,892.00
 - (4) Decreasing joint project O&M by \$900,000.00
 - (5) Decreasing fuel expenses by \$4,000,000.00
 - (6) Decreasing bad debt expenses by \$217,000.00
 - (7) Decreasing the transfer of current revenue to the Capital Improvements Program by \$4,690,744.00
 - (8) Decreasing debt service requirements by \$3,165,750.00
- b. Appropriate \$195,000.00 from the Liability Reserve Fund and authorizing the settlement of litigation (Guerrero, et al vs. City of Austin, et al).

Electric Utility Capital Budget

Approved an amendment to decrease the FY 1988-89 Electric Utility Capital Budget by \$4,690,744.00 resulting in an Electric Utility 1988-89 Capital Budget of \$40,298,000.00.

Electric Utility CIP

Approved an amendment to decrease the 1988-94 Electric Utility Capital Improvements Plan by \$3,341,000.00 resulting in the 1988-94 Electric Utility Capital Improvements Plan totaling \$286,027,000.00.

Policy Planning Process Ordinance

Amended the Policy Planning Process Ordinance.

Speed Zones

Amended the Austin City Code to modify the following speed zones:

Section 11-2-100(a) 35 mph

Add: Todd Lane from the Missouri Pacific Railroad tracks south of Burleson Road to East St. Elmo Road

Section 11-2-100(b) 40 mph

Delete: Jollyville Road from Great Hills Trail to Research Boulevard (U.S. 183)

Section 11-2-100(c) 45 mph

**Add: Jollyville Road from Great Hills Trail to U.S. 183/
Barrington Way**

Section 11-2-100(b) 40 mph

**Add: South Industrial Drive from Ben White Boulevard East,
St. Elmo Road East**

(Total cost to purchase signs \$460.00

CONSENT RESOLUTIONS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted the following resolutions all in one consent motion: (7-0 Vote)

Release of Easements

Approved release of the following easements:

- a. 1.3 square feet more or less out of Lot 61, Block A, Davenport Ranch, Phase 1, Section 1, as recorded in Volume 81, Pages 179-182 of the Travis County Plat Records, locally known as 5908 Carry Back Lane. (Request submitted by D. E. Bird on behalf of David B. Wheller)
- b. A ten (10) foot wide 1,700 sq. ft. Electric and Telephone Easement (Volume 2058, Page 205) on Old Villa Capri site. North of East 23rd, East of Red River, West of IH-35. (Request submitted by the Board of Regents of the University of Texas System)
- c. Three tracts of land, same being ten (10) foot Sidewalk and Curb Setback Easements described in Volume 2145, Page 411 and Volume 1885, Page 400, on Old Villa Capri tract between East 23 1/2 Street and East 26th Street. Easements to be released front on Red River Street and East 24th Street. (Request submitted by Board of Regents of the University of Texas System)
- d. Electric and Telephone Easement recorded in Volume 2128, Page 170 of the Travis County Real Property Records on proposed Sematech Tract.

Contract Approved

Approved the following contract:

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| a. ARROW INDUSTRIES, INC.
2625 Beltline Road
Carrollton, Texas | - Plastic Trash Liners, General
Services Department
Twelve Month Supply Agreement
Items 1-4 - \$151,717.00 88-0280-DC |
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Public Hearings Set

Set public hearings on the following:

- a. To amend Chapter 13-2 of the Interim Land Development Code to create a new use entitled Carriage Stable: February 16, 1989 at 5:00 P.M.
- b. Taking action on an agreement between City and UT regarding future development of Brackenridge Tract and legislation related thereto: January 31, 1989 at 3:00 P.M. in City Council Chambers.

ITEM ALREADY APPROVED

Approved on January 24, 1989 was an agreement with Houston Lighting and Power Co. for the repayment of energy pursuant to the terminated STP Settlement Agreement to be paid by HL & P in cash rather than through in-kind energy exchange. (Estimated fuel savings \$3,000,000.00)

ITEM POSTPONED

Postponed to February 2, 1989 is consideration of authorizing purchase of 149.9783 acres of land (Tract A-2) and acceptance of a donation of 64.0232 acres of land (Tract A-1) for a Nature Preserve located adjacent to the Wild Basin Wilderness Preserve.

TREE PLANTING

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, approved establishing a tree planting fund from voluntary contributions and instructed the City Manager to instruct staff to put a program together. (7-0 Vote)

CULTURAL ARTS FACILITIES POLICY

Council referred to the Arts Commission for review amendments to the Cultural Facilities Policy.

ITEM POSTPONED

Postponed to February 16, 1987 is consideration of authorizing and approving the selection of professional engineering services for the Circle Drive (Southwest B) Reservoir and Transmission Main. C.I.P. No. 87/22-33 (Cost=\$220,000.00)

TOWING FEES

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Urdy's second, waived the requirement for three readings and finally

passed an ordinance amending Article V, Chapter 8-7 of the Austin City Code to establish the following fees for: (6-0 Vote, Councilmember Carl-Mitchell out of the room.)

- a. Towing business permits, tow truck certificates, tow truck operator licenses, collision request and rotation listings, and tow truck inspections.
- b. Maximum fees which may be charged for Towing Business Permit Holders.

VEHICLES FOR HIRE

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance adopting a revision to Article V of Chapter 8-7 of the Code of the City of Austin, 1981, relating to vehicles for hire, tow trucks; providing for regulation of tow truck drivers, defining prohibited conduct, providing for post-denial and post-revocation procedures; providing for severability. (6-0 Vote, Councilmember Carl-Mitchell out of the room.)

EXECUTIVE SESSION

Mayor Cooke announced Council would go into executive session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

1. Pending Litigation - Section 2, Paragraph e

- (a) City of Austin vs. Houston Lighting and Power
- (b) Docket #8480 - Petition Sharen Schranz, et al for relief from electric utility rates set by the City of Austin
- (c) Potential litigation regarding electricity supply agreement
- (d) Sierra Club vs. FAA #88-1820
- (e) Item F.2 Consider approval for acquisition of a 0.7441 acre tract (32,411 square feet) owned by Jack Holford, Trustee, for the purpose of completing the right-of-way land acquisition for the Braker Lane Street Improvements Project.

2. Personnel Matters - Section 2, Paragraph g

- (a) City Manager Search
- (b) Appointment of Municipal Court Clerk

RECESS

Council recessed from 3:15 to 4:34 P.M. for executive session. Mayor Cooke announced at 4:34 p.m. that executive session had been recessed and would continue later in the meeting.

ZONING HEARINGS

Mayor Cooke announced Council would hear the zoning cases scheduled for 4:00 P.M. Council heard, closed the public hearings, passed ordinances where applicable, and postponed if necessary. Disposition of cases follows each listing.

(1)	-88 0096	SHELLBERG TRACT JOINT VENTURE By Minter, Joseph and Thornhill	12800 to 13000 Bullick Hollow Rd. <u>Valid Petition</u>	From "DR" To Tr. 1 & 2 "MF-2" Tr. 3 "SF-6" NOT RECOMMENDED <u>DENIED</u>
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RECOMMENDED "SF-6-CO" on approximately 191 acres and "P-CO" on approximately 300 acres, subject to the following conditions to be implemented by restrictive covenants, as well as by the Conditional Overlay District wherever possible:

- 1) Areas designated as parkland shall be dedicated and restricted as parkland or wildlife preserve, and transferred to an appropriate public or nonprofit entity for management;
- 2) Areas designated SF-6 to be restricted to a maximum of 720 single-family, duplex, townhouse, or condominium units;
- 3) Impervious cover, including roadways shall not exceed 37 percent on the area designated SF-6.
- 4) Development limitations in the Critical Water Quality and Water Quality Buffer Zones (see minutes);
- 5) Design criteria for lift stations (see minutes);
- 6) A permanent 20' conservation easement along slopebreaks above Bullick Hollow Road and FM 2769. Structures which exceed height of tree canopy must be set back 35 feet from slopebreaks;
- 7) No driveway access and only one roadway connection to Bullick Hollow Road. No vehicular access onto Bullick Hollow from Wilson Parke Boulevard until subdivision infrastructure complete and accepted by City or County;
- 8) Development on the tract shall comply with Sec. 13-15-287, relating to sedimentation/filtration basins;
- 9) Spoil disposal sites shall only be allowed in areas designated as SF-6, or in approved off-site areas;
- 10) Clearing for survey site lines shall be limited to ten feet in width;
- 11) A detailed biological and hydrogeological survey of McDonald Cave and the contributing drainage area of the cave shall be completed prior to preliminary plan approval. The cave site and the contributing drainage area shall be surveyed and restricted as a permanent buffer, with no development allowed and natural vegetation left intact;

- (1) -88 SHELLBERG TRACT (continued)
0096 JOINT VENTURE

- 12) The policy on lawn maintenance chemicals developed by the Department of Environmental Protection for the Parkstone PUD shall be incorporated into a restrictive covenant;
- 13) The owners shall allow inspection by designated Northwest Neighborhood Group representatives during surveying and construction activities, under specified conditions;
- 14) The Applicant shall work with the City legal staff prior to final ordinance reading to devise a way to limit the ability of future owners to request full purpose annexation or disannexation;

In addition, the applicant has agreed to consider installation of a water quality monitoring program, and has agreed to the donation of \$5,000 and a fire station site to the Volente Volunteer Fire Department, and phasing development of the northernmost ridge.

(On Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, 4-3 Vote, Councilmembers Humphrey and Urdy and Mayor Cooke voted No.)

- (2) -88 SETTLEMENT CLUB 1600 Peyton Gin From "SF-3", "SF-3-H"
0122 By Sheri Gallo Road To "GO-CO", "GO-H-CO",
"SF-3"

CONTINUED TO MARCH 23, 1989 - 4 P.M.

RECOMMENDED subject to (1) deleting the right-of-way requirement (2) congregate living restricted for 18 & under (3) recommended that Council consider special fees for c.u.p.'s for human service providers (4) applicant make effort to meet with neighborhood association on any proposed site plans.

(On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, 5-0 Vote, Councilmember Barnstone and Councilmember Urdy out of the room.)

- (3) -85 CITY OF AUSTIN 11101-11215 Cameron From "I-SF-2"
243 By Planning Road To Tr. 1 "SF-1"
Department 10802-11118 Wandering Tr. 2 "SF-2", "SF-1"
Way & "P"
11100-11216 Hidden RECOMMENDED
Bluff Drive ORDINANCE
11101-11215 Hidden
Bluff Drive
All of Vista Ridge
Cove

All of Brushy Glen Dr.
 All of Bluff Canyon Dr.
 All of Terrace Bluff Drive
 All of Creek Hollow
 All of Brushy View Cove
 All of Echo Bluff Cove
 All of Misty Cove

(On Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, 6-0 Vote, Councilmember Urdy out of the room)

- (4) -88 OAK HILL JOINT 5500 U.S. 290 From "DR"
 0070 VENTURE West To Tr. 1 "GR-CO"
 CRE, Inc. Tr. 2 "MF-3-CO"
FIRST READING

RECOMMENDED "GR-CO" allowing the range of "LR" uses permitted in the "GR" district except for fast food restaurants and convenience retail and limiting "GR" uses to outdoor recreation. Other conditions include a maximum FAR of .017 (3200 sq. ft.) as long as access is limited to Road Runner Lane and a maximum FAR of .026 (5000 sq. ft.) when improvements to US 290 are complete and direct access to US 290 is available, and a rollback to "LR" upon cessation of the outdoor recreation use. Back 6.6 acres: To grant "MF-3-CO" allowing a maximum of 151 units and prohibiting multi-family development until after completion of improvements to US 290. Other conditions include up to 35 ft. of right-of-way from the center line of Road Runner Lane and 25 ft. curve radius at Road Runner/US 290 Intersection.

- (5) -88 GRIESBACH 7608 F.M. 969 Road From "SF-2"
 0134 PROPERTIES, INC. To "SF-3"
 Jerry Griesbach FIRST READING

RECOMMENDED subject to 75 ft. of right-of-way dedication from centerline of FM 969.

- (6) -88 TEXACO, USA 11300 N. IH 35 From "LR"
 0138 By Carson Planners Service Road SB To "GR-CO"
 (Applicant requests emergency passage of ordinance)
EMERGENCY PASSAGE OF ORDINANCE

RECOMMENDED "LR" uses and site development regulations with exception of "GR" setbacks. (As recommended by staff.)

1/26/89

- (7) -88 DOC HOLLIDAYS 6210 U.S. HWY. 290 From "DR"
 0139 Kris Hawkins To "GR-CO"
POSTPONE TO FEBRUARY 2, 1989 @ 4 P.M.
 RECOMMENDED "GR-CO" limited to pawn shop as the only
 "GR" use, and permitted "LR" uses; signs to be permanent
 pole signs or signs attached to the building.

- (8) -88 P-WB JT VENTURE/ 7200 TO 7500 N. F.M. From "DR" & "SF-2"
 0097 PEROT GRP. 620 Road To "PUD"
 By Minter, Joseph (As Amended)
 & Thornhill
POSTPONE TO MARCH 9, 1989 @ 4 P.M.

a. Request for six-month extension:

- (1) -88 TEXAS COMMERCE 10700 Jollyville Rd. From "GR" & "PUD"
 0051 BANK To. Tr. 1 "GR"
 By Henry S. Miller Tr. 2 "LO"
 Company Tr. 3 "LR"
 Tr. 4 "GO"

APPROVED SIX-MONTH EXTENSION

(On Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, 5-0 Vote, Councilmembers Urdy and Barnstone out of the room.)

PUBLIC HEARING - ANNEXATION

Mayor Cooke opened the public hearing set for 5:00 P.M. on full purpose annexation of 22.43 acres of the Hermosa Office Park P.U.D. (C7a-89-001)

Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, closed the public hearing. (6-0 Vote, Councilmember Urdy out of the room.) This will be posted for action in three weeks.

APPEAL WITHDRAWN

The 6:00 public hearing on an appeal of Mr. Scott Morse of the Planning Commission's decision to deny an appeal of a site plan for Lone Star Gas Company, Case No. SP-88-0271d was not held. The applicant withdrew his appeal.

PUBLIC HEARING - STREET VACATIONS

Mayor Cooke opened the public hearing, set for 6:30 P.M. on street vacations. No one appeared to be heard.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating a portion (915 sq.ft.) of William Cannon Drive West right-of-way. (Request submitted by Lichter/Jameson and Associates, Inc.) (5-0 Vote, Councilmembers Humphrey and Urdy out of the room)

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating a portion of the East Stassny Lane right-of-way near IH 35, proposed Koura Drive. (Request submitted by George L. Sanders on behalf of the property owners, Oryx Development Corporation of Austin). (6-0 Vote, Councilmember Humphrey out of the room.)

PUBLIC HEARING - DAY CARE SERVICE REGULATIONS

Mayor Cooke opened the public hearing set for 7:00 P.M. on an amendment to the Zoning Ordinance to amend the Table of Use Regulations. (Sec. 13-2-221) (Day Care Services)

Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending the Zoning Ordinance to amend the Table of Use Regulations (Sec. 13-2-221) (Day Care Services) deleting the "MH" category. (6-0 Vote, Councilmember Urdy out of the room.)

PUBLIC HEARING - TOWN LAKE PARK PLAN

Mayor Cooke opened the public hearing, set for 7:30 P.M. on amendments to the Interim Land Development Code as it relates to the Town Lake Park Plan.

Speaker's cards are on file in the City Clerk's office.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Humphrey to close the public hearing, waive the requirement for

three readings and finally pass an ordinance amending the Interim Land Development Code as it relates to the Town Lake Park Plan.

Amendment to Motion - FAILED

Councilmember Humphrey offered an amendment to the motion, seconded by Councilmember Nofziger, to delete Section F2, parking garage, from the Town Lake Park Plan. The amendment to the motion FAILED by a vote of 3-4 with Mayor Cooke, Councilmembers Barnstone, Carl-Mitchell and Urdy voting No.

Roll Call on Motion

7-0

MASTER PLAN FOR PALMER

The Council, on Councilmember Barnstone's motion, Councilmember Carl-Mitchell's second, adopted a resolution instructing the Acting City Manager to begin planning for a structure and a master plan at Palmer Auditorium as follows: (6-1 Vote, Councilmember Humphrey voted No.)

1. The Parks and Recreation Department, in association with the Public Events Facilities Department and Transportation and Public Services Department, shall conduct a feasibility study and return to the City Council its recommendations, including but not limited to:
 - a. Assessment and updating of prior planning, to offer a wide range of possible actions
 - b. Estimation of the scope and cost of projected improvements
 - c. Preliminary refinement of design plans for park features
 - d. Identification of funding sources, including work which can be accomplished in-house or by voluntary contribution
 - e. Schedule for implementation of a proposed work plan.
2. The City shall coordinate with Capital Metro for the planning, funding, and phased construction of a joint-use parking facility at Palmer Auditorium. The facility will collect and accommodate existing surface parking into a landscaped structure and will remove and replace most of the existing asphalt surface parking with uses deemed appropriate by the Town Lake Park Master Plan.

EXECUTIVE SESSION

Mayor Cooke announced the executive session, which had been recessed at 4:34 p.m. would be continued at this time.

RECESS

Council recessed its meeting for executive session from 9:05 p.m. to 9:55 p.m.

CITY INTERVENTION

Mayor Cooke announced that as a result of discussion during executive session, a motion would be made concerning pending litigation.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Mayor Pro Tem Shipman to intervene in the Sierra Club vs. FAA #88-1820 lawsuit. Motion passed by a vote of 6-1 with Councilmember Barnstone voting No.

BRAKER LANE STREET IMPROVEMENTS

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, adopted a resolution approving for acquisition a 0.7441 acre tract (32,411 square feet) owned by Jack Holford, Trustee, for the purpose of completing the right-of-way land acquisition for the Braker Lane Street Improvements Project. (6-0 Vote, Councilmember Humphrey out of the room)

Mayor Pro Tem Shipman stated for the record: "I want to point out to the public and to our media that this is another case of the City having to pay a large amount of money for desperately needed right-of-way and we are getting taken to the cleaners. Taxpayers get angry about where their money is going, values that are assessed at more than their appraised value and I want that on the record." Mayor Cooke agreed, but he said he feared if this went to a jury trial as so many of the condemnations are, "We will get taken by an even larger sum".

ITEMS POSTPONED

Mayor Cooke announced the following items would be postponed until next week's agenda, February 2, 1989.

- Consider requests for disannexation, pursuant to the provisions of SB 962, of certain properties annexed for limited purposes.
- Consider approving assumptions for use in preparing the Five Year Financial Forecast.
- Consider approval of a preliminary plan for subdivision of Davenport Ranch (C814-88-0001).
- Discussion of Affirmative Action compliance.

PEDESTRIAN OVERPASS

Councilmember Urdy introduced an item to Council to consider City of Austin/Capital Metro participation in the funding of Hwy. 183/Springdale Road pedestrian overpass.

Assistant City Manager Jim Smith discussed the cost and said "Right now this project is not in the C.I.P. so it has not been previously authorized so there is no appropriation nor cash for this project right now."

Councilmember Urdy said that if Council truly believes this is a needed project, he does not want to just let it be. He said Capital Metro should be asked to help. Councilmember Urdy said if they do ask Capital Metro he wants to tell them their help is asked because the City is in dire straits. He said they cannot tell Capital Metro that, but ask them to help by coming up with the remaining \$150,000.00. Mayor Cooke said he would be glad to do that and appear before the Capital Metro Board to make a formal request if that is the desire of the Council.

Mayor Cooke said, if it is the desire of the Council, he will be happy "to communicate to the Highway Commission, our district engineer, verifying that we still want the half-million they have put into the project and also appear before the Capital Metro Board and express a desire that they assist us in this time of need with additional funding. They have already committed to one-fourth of the funding. Ask them to be the match with the State on the full half funding and that we will do everything in our power to expedite the process in such a way that we will not unduly cause additional fees by the City on trying to get this built. I will also formally communicate that to Representative Delco."

Councilmember Urdy said he approved of what Mayor Cooke suggested and if there is anything else staff or anyone else can do then "we could try to do that as well". Mayor Cooke said that since it is the will of the Council, he will proceed.

CITY MANAGER REPORT PRESENTED TUESDAY

The City Manager Report, Economists' Roundtable, was presented at the January 24, 1989 special Council Meeting.

ADJOURNMENT

Council adjourned its meeting at 10:08 P.M.